

Remarks/Arguments:

By this amendment claims 1 and 15 are amended and new claims 28 to 30 are presented. Claims 1 – 30 are before the examiner. Further examination of the application, as amended, and reconsideration of the rejections are respectfully requested.

Applicant gratefully acknowledges the courtesy of the telephonic interview extended by the examiner to undersigned counsel on or about February 24, 2010, during which amendment of the main claims to recite “a tubing shoe for use after drilling or boring” was discussed. It is believed there was general agreement that such a limitation would overcome the Wardley reference (US 20020189863), but might raise new issues requiring further searching by the examiner. The arguments advanced in the interview are set forth herein.

In the final office action (FOA) it was alleged that applicant relies on features not recited in the claims, “i.e., tubing shoe for use after boring or drilling.” Applicant respectfully traverses. The claims under consideration specifically recited, “a shoe for use on the end of a work string within a well bore,” and the main body of the claim affirmatively recited the well string and well bore by using the preamble recitation for antecedent basis, e.g., “a first end adapted for

connection to the work string . . . a rounded head distal to the body for advancement through the well bore . . .” See claims 1 and 15.

Further, the “advancement through the well bore” in claims 1 and 15, as well as the eccentricity recited in claim 6, “to aid the passage of the shoe through the well bore,” are premised on the well bore having been previously drilled. Thus, the previously drilled well bore is at least implicit in the claims, and was properly argued as such. Indeed, the very existence of a well bore means that it has already been drilled, inasmuch as a well bore does not exist until it has been drilled.

The present amendments to claims 1 and 15 are made solely to clarify by making explicit that the shoe is used in an existing wellbore, i.e. after the wellbore is drilled. It is respectfully submitted the present amendments to claims 1 and 15 do not present new matter or raise any new issues, and place the claims in condition for allowance. The amendments should be entered after final since they place the claims in condition for allowance or better form for appeal.

New claims 28 and 29 depend from claims 1 and 15, respectively, and specify that the shoe is a tubing shoe, i.e., used with tubing. Since these claims depend from allowable claims, they are likewise allowable, do not raise any new issues and can similarly be entered after the final office action. Claim 30 is an independent claim carefully reciting the collective features of previous claims 15, 17, 20 and 21

so as to avoid raising any new issues – note that the same references (Wardley and Mabry) were cited for the alleged disclosure of the features in each of these claims, and thus no additional searching would be required.

As previously mentioned, the present invention is directed to a tubing shoe for use after boring or drilling. Wardley is instead directed to a drilling shoe where the well bore per se is formed with the tool.

The secondary reference, Mabry (US 6808019), similarly relates to a sucker rod and not to a tubing shoe, and therefore does not suggest to the skilled artisan the modification of Wardley as asserted in the FOA.

For example, neither Mabry nor Wardley disclose the debris collection funnels and grinding channels specified in claims 1 and 17 and additional features thereof in claims 4, 5, 20, 21 and 30, and thus their purported combination would not obtain the invention claimed herein. Mabry instead teaches the fluid passageways 40, 42 between the guide portions 26, 28 “provide for unobstructed streamlined, substantially laminar fluid flow,” contrary to the funnelling and grinding of debris. See column 7, lines 16-24. The “elevational inversion” of the guides ensures a uniform width of the Mabry channel for laminar flow, and thus Mabry teaches squarely against the diverging edges of collection funnels and the

convergence of grinding channels herein. See claims 4, 20 (divergence); claims 5, 21 (convergence); and claim 30 (divergence and convergence).

Herrera (US20030106) was also cited against claim 6 (eccentric nose portion), but is contrary to the drilling shoe of Wardley which would no longer work for its intended purpose of drilling new wellbore if modified with eccentricity as proposed. There is no teaching, suggestion, motivation or other reason for the skilled artisan to modify the drilling shoe of Wardley with an eccentric nose portion. The rejection of claim 6 is respectfully traversed.

Accordingly, it is respectfully submitted that all claims are allowable over the references cited, and thus the rejection should be withdrawn.

If the Examiner has any questions or comments regarding this communication, the undersigned can be contacted to expedite the resolution of this application. Further examination of the application and the allowance thereof are respectfully requested.

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Respectfully submitted,

/Daniel N. Lundeen/

Daniel N. Lundeen
Reg. No. 31,177
Lundeen & Lundeen, PLLC
2710 Louisiana Street
Houston, Texas 77006
(713) 652-2555
(713) 652-2556 Fax
ATTORNEY FOR APPLICANT